

REMARKS

Response to Revised Restriction Requirement

It is noted with appreciation that the Examiner has revised the definition of Group I to include the subject matter of claims 23-25. The above amendments are believed to be fully consistent with the revised definition of Group I.

Claim Amendments

The claims are amended above in a manner that it is believed overcomes all grounds for rejection, and otherwise are amended to simplify and to reduce the scope of the claims in order to expedite prosecution of this application to allowance.

In claim 1, the definition of the substituents on Q² is narrowed by incorporating the limitations of dependent claim 24, and claim 24 has been cancelled as now being redundant. R¹ is also amended to narrow the definition by incorporating the limitations of claim 6, and claim 6 has been cancelled as now being redundant. Claim 1 is further amended to narrow the definition of "a" by incorporating the limitations of claim 27, and claim 27 has been cancelled as now being redundant. The proviso at the end of claim 1 is also deleted because the compound does not otherwise fall within the scope of claim 1, as pointed out the Examiner in the Action.

Claims 3-6 are newly cancelled.

Claim 7 has been made dependent on claim 1.

Claim 8 has been made dependent on claim 7.

Claim 16 has been made dependent on claim 1.

Claims 17, 23 and 24 are newly cancelled.

Claim 25 has been made dependent on claim 1.

Claim 27 is newly cancelled.

Claim 31 is amended to remove the compound previously numbered as compound (11), and the compound that was previously numbered as compound (12) is now numbered as compound (11).

Claims 32, 33 and 37 are newly cancelled.

It should be apparent from the above that no new matter has been added by the above amendments, and entry of these amendments is therefore believed to be appropriate and is

respectfully requested. These amendments are being made without waiver or prejudice to Applicants' right to prosecute any subject matter deleted thereby in one or more continuing or divisional applications, as appropriate.

Following entry of these amendments, claims 1, 2, 7-13, 16, 25, 26, 28-31 and 34 remain pending in this application.

Claim Rejections - 35 USC § 112, Second Paragraph

Claims 1-13, 16, 17, 23-34 and 37 are rejected under 35 U.S.C. 112, second paragraph, as "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention," for itemized reasons (a) through (e). It is respectfully submitted that each of these reasons for this rejection has been overcome as follows:

(a) The Examiner has pointed out that previously amended claim 1 retained a proviso that was no-longer relevant to the claim as amended. The proviso has been removed from claim 1 as amended above.

(b) The Examiner has pointed out that claim 31 lacked antecedent basis because it included compound (11) which fell outside of the scope of claim 1 as amended. The compound that was numbered as compound (11) has been removed from claim 31 by the above amendments.

(c) The Examiner has objected to the use of the phrase "except that" in claim 32. While Applicants do not necessarily agree with the Examiner objection, this reason has been obviated with the cancellation of claim 32.

(d) The Examiner has objected to use of the term "anti-proliferative effect" in claim 37. While Applicants do not necessarily agree with the Examiner objection, this reason has been obviated with the cancellation of claim 37.

(e) This rejection of other dependent claims appears only to have occurred as a result of the rejection of earlier claims for reasons (a) through (d), such that the above-noted resolution of reasons (a) through (d) is believed to overcome this reason for this rejection as well.

In view of the claim amendments and the foregoing explanations, it is respectfully submitted that this ground for rejection has been overcome.

Claim Rejections - 35 USC § 112, Second Paragraph

Claim 37 is rejected under 35 U.S.C. § 112, first paragraph. The Examiner notes that “the specification, while being enabling for the treatment of solid tumours such as: breast, colorectal, and naso-pharyngeal, does not reasonably provide enablement for the treatment of other tumours or cancers that are encompassed by the term ‘anti-proliferative effect’ which is allegedly related to erbB.” While Applicants do not agree with this rejection, it has been obviated by the cancellation of claim 37, without waiver or prejudice to Applicants’ right to prosecute the subject matter of this claim in one or more continuing applications.

Conclusion

All grounds for rejection having been addressed above and, it is believed, overcome by the above amendments and the foregoing remarks, it is respectfully requested that all grounds for rejection be withdrawn and that all claims be allowed.

Information Disclosure Statement

The Examiner notes at page 8 of the Action that the Information Disclosure Statements of March 21, 2006, September 13, 2006, April 20, 2007, January 28, 2008 and October 9, 2009 have been considered, but states that the cited foreign documents “need to have names.” While the undersigned continues to maintain that there is no such requirement in the regulations or the MPEP, the previously filed forms PTO-1449 will be resubmitted shortly with names appended to the cited foreign documents.

Updated Table of Related Applications

The Examiner’s attention is directed to the following *updated* table of co-pending U.S. patent applications of Applicants’ assignee, which may be considered technically related to the present application. The current status of each application as reported in the PAIR database is given in the right-hand column. Any of the published US applications and PCT applications *not previously cited* is listed on the form PTO-1449 attached to the Information Disclosure Statement being submitted herewith, and a copy of each listed published PCT application is provided herewith or has been submitted with previously filed Information Disclosure Statements.

It is assumed that the Examiner has ready electronic access to each of the listed US applications, but the undersigned will provide a copy of any document from the US PTO PAIR database for these applications if requested by the Examiner.

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
10/275,382 November 5, 2002	Hennequin <i>et al.</i>	7,049,438 May 23, 2006	WO 01/094341 December 13, 2001	Patented
11/283,415 November 21, 2005	Hennequin <i>et al.</i>	7,696,214 April 13, 2010	WO 01/094341 December 13, 2001	Patented
12/696,489 January 29, 2010	Hennequin <i>et al.</i>		WO 01/094341 December 13, 2001	Application Undergoing Preexam Processing
10/494,137 October 6, 2004	Hennequin <i>et al.</i>	US 2005-0043336 February 24, 2005	WO 03/040108 May 15, 2003	Abandoned
11/443,208 May 31, 2006	Hennequin <i>et al.</i>	US 2007-0082921 April 12, 2007	WO 03/040108 May 15, 2003	Pending before Examiner Brian E Medowell in GAU 1624; Ex parte Quayle Action Mailed 12-30-2009
10/494,388 October 1, 2004	Hennequin <i>et al.</i>	US 2005-0054662 March 10, 2005	WO 03/040109 May 15, 2003	Abandoned
11/443,395 May 31, 2006	Hennequin <i>et al.</i>	US 2007-0088044 April 19, 2007	WO 03/040109 May 15, 2003	Abandoned
10/554,202 October 24, 2005	Bradbury <i>et al.</i>	US 2007-0149546 June 28, 2007	WO 2004/093880 November 4, 2004	Abandoned
10/555,085 October 31, 2005	Hennequin <i>et al.</i>	7,659,279 February 9, 2010	WO 2004/096226 November 11, 2004	Patented
10/572,261 March 16, 2006	Hennequin <i>et al.</i>	US 2007-0032513 February 8, 2007	WO 2005/026157 March 24, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Final Rejection Mailed 11-12-2009
10/571,851 March 15, 2006	Bradbury <i>et al.</i>	US 2007-0032508 February 8, 2007	WO 2005/026151 March 24, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Non Final Action Mailed 12-09-2009
10/572,262 March 16, 2006	Bradbury <i>et al.</i>	US 2007-0015743 January 18, 2007	WO 2005/026152 March 24, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Non Final Action Mailed 11-27-2009
10/573,090 March 15, 2006	Hennequin <i>et al.</i>	US 7,569,577 August 4, 2009	WO 2005/026150 March 24, 2005	Patented
12/482,620 June 11, 2009	Hennequin <i>et al.</i>	US 2009-0312343 December 17, 2009	WO 2005/026150 March 24, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Ready for Examination

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
10/572,303 March 17, 2006	Hennequin <i>et al.</i>	US 2008-0234263 September 25, 2008	WO 2005/026156 March 24, 2005	Abandoned
10/578,663 January 17, 2007	Bradbury <i>et al.</i>	7,625,908 December 1, 2009	WO 2005/051923 June 9, 2005	Patented
10/586,965 August 3, 2007	Delouvrie <i>et al.</i>	7,632,840 December 15, 2009	WO 2005/075439 August 18, 2005	Patented
11/628,011 November 30, 2006	Bradbury <i>et al.</i>	US 2007-0232607 October 4, 2007	WO 2005/118572 December 15, 2005	Pending before Examiner Paul V. Ward in GAU 1624; Restriction Requirement Mailed 03-31-2010
11/792,921 June 13, 2007	Barlaam <i>et al.</i>	US 2008-0108613 May 8, 2008	WO 2006/064196 June 22, 2006	Pending before Examiner Susanna Moore in GAU 1624; Ready for Examination
12/656,850 February 18, 2010	Barlaam <i>et al.</i>			Undersigned presently does not have PAIR access to this application
11/817,393 May 19, 2008	Bradbury	US 2009-0137615 May 28, 2009	WO 2006/092573 September 8, 2006	Abandoned
11/817,391 August 29, 2007	Bradbury	US 2010-0029696 February 4, 2010	WO 2006/092574 September 8, 2006	Pending before Examiner Sahar Javanmard in GAU 1627; Ready for Examination
11/912,792 August 21, 2008	Bradbury	US 2009-0221616 September 3, 2009	WO 2006/117523 November 9, 2006	Pending before Examiner Samira JM Jean-Louis in GAU 1617; Ready for Examination
11/912,794 August 21, 2008	Bradbury	US 2009-0023759 January 22, 2009	WO 2006/117521 November 9, 2006	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Ready for Examination
12/067,415 February 25, 2009	Bradbury	US 2009-0239861 September 24, 2009	WO 2007/034143 March 29, 2007	Pending before Examiner Brian E. McDowell in GAU 1624; Restriction Requirement Mailed 02-04- 2010
12/067,416 August 12, 2008	Bradbury <i>et al.</i>	US 2009-0048251 February 19, 2009	WO 2007/034144 March 29, 2007	Pending before Examiner Brian E. McDowell in GAU 1624; Non Final Action Mailed 01-25-2010
12/095,665 May 30, 2008	Barlaam		WO 2007/063291 June 7, 2007	Application Undergoing Preexam Processing

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
12/095,659 May 30, 2008	Bradbury <i>et al.</i>	US 2009-0029968 January 29, 2009	WO 2007/063293 June 7, 2007	Pending before Examiner Brian E. McDowell in GAU 1624; Restriction Requirement 01-07-2010
10/857,342 June 1, 2004	Bradbury <i>et al.</i>	7,148,230 December 12, 2006	WO 2005/012290 November 4, 2004	Patented
11/636,549 December 11, 2006	Bradbury <i>et al.</i>	US 2007-0099943 May 3, 2007	WO 2005/012290 November 4, 2004	Abandoned
10/508,675 September 22, 2004	Bradbury <i>et al.</i>	US 2005-0215574 September 29, 2005	WO 03/082831 October 9, 2003	Abandoned
12/147,250 June 26, 2008	Bradbury <i>et al.</i>	US 2008-0269487 October 30, 2008	WO 03/082831 October 9, 2003	Abandoned
12/706,675 February 16, 2010	Bradbury <i>et al.</i>		WO 03/082831 October 9, 2003	Undersigned presently does not have PAIR access to this application
10/571,991 March 15, 2006	Bradbury <i>et al.</i>	US 2008-0096881 April 24, 2008	WO 2005/028469 March 31, 2005	Pending before Examiner Douglas M. Willis in GAU 1624; Ready for Examination
10/572,048 March 15, 2006	Bradbury <i>et al.</i>	US 2007-0037837 February 15, 2007	WO 2005/028470 March 31, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Non Final Action Mailed 01-05-2010
10/573,352 March 24, 2006	Bradbury <i>et al.</i>	US 2007-0043010 February 22, 2007	WO 2005/030757 April 7, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Non Final Action Mailed 10-28-2009
11/884,923 August 23, 2007	Halsall <i>et al.</i>		WO 2006/090163 August 31, 2006	Application Undergoing Preexam Processing

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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